Ordinance No.: O-16-10
Subdivision Regulation Amend. No. 07-01
Concerning: Adequate Public Facilities
- Validity Period
Revised: 11-16-07 Draft No. 3
Introduced: May 24, 2007
Public Hearing: July 10, 2007
Adopted: November 20, 2007
Effective: December 10, 2007

COUNTY COUNCIL FOR MONTGOMERY COUNTY, MARYLAND SITTING AS THE DISTRICT COUNCIL FOR THAT PORTION OF THE MARYLAND-WASHINGTON REGIONAL DISTRICT WITHIN MONTGOMERY COUNTY, MARYLAND

By: Council President at the request of the Planning Board

AN AMENDMENT to the Subdivision Regulations to:

- (1) revise the validity period of a finding of adequate public facilities by the Planning Board, and the process and standards to extend a finding of adequacy; and
- (2) update obsolete language and make corrective and stylistic changes.

By amending the following sections of County Code Chapter 50:

Sec. 50-20. Limits On Issuance Of Building Permits.

Boldface *Heading or defined term.*

<u>Underlining</u>
[Single boldface brackets]
Added to existing law by original bill.
Deleted from existing law by original bill.

<u>Double underlining</u> *Added by amendment.*

[[Double boldface brackets]] Deleted from existing law or the bill by amendment.

* * Existing law unaffected by bill.

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OPINION

Subdivision Regulation Amendment 07-01 was introduced on May 24, 2007 to revise the validity period of a finding of adequate public facilities by the Planning Board and the process and standards to extend a finding of adequacy

The Council held a public hearing on July 10, 2007, to receive testimony concerning the proposed amendment. The Council's Planning, Housing, and Economic Development Committee considered this SRA at a worksession on October 8, 2007, and recommended that it be enacted as introduced. The District Council reviewed Subdivision Regulation Amendment at a worksession held on November 20, 2007, and enacted the Amendment without change.

For these reasons and because to approve this Amendment will assist in the coordinated, comprehensive, adjusted, and systematic development of the Maryland-Washington Regional District located in Montgomery County, Subdivision Regulation Amendment No. 07-01 will be approved.

ORDINANCE

The County Council for Montgomery County, Maryland, sitting as the District Council for that portion of the Maryland-Washington Regional District in Montgomery County, Maryland, approves the following Ordinance:

Sec. 1. Section 50-20 is amended as follows:

50-20. Limits On Issuance Of Building Permits.

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(c) (1) Words and phrases used in this subsection have the meanings indicated in Section 8-30.

(2) Except as provided in this subsection and Article IV of Chapter 8, the Department of Permitting Services may issue a building permit only if the Planning Board has made a timely determination of the adequacy of public facilities to serve the proposed development under this Chapter. However, the Department may issue a building permit for any proposed development that is:

(A) exclusively residential on a lot or parcel recorded before

	July 25, 1989, or otherwise recorded in conformance
	with a preliminary plan of subdivision approved before
	that date; or
(B)	otherwise exempt from the requirement for determining
	adequacy of public facilities before a preliminary plan of
	subdivision is approved.
A de	termination of adequate public facilities made under this
Chap	ter is timely and remains valid:
(A)	For 12 years after the [date of] preliminary plan
	[approval] is approved for any plan approved on or after
	July 25, 1989, but before October 19, 1999; [and]
(B)	For no less than 5 and no more than 12 years after the
	preliminary plan is approved, as determined by the
	Planning Board at the time of [subdivision] approval, for
	any plan approved on or after October 19, 1999, but
	before August 1, 2007; and
<u>(C)</u>	For no less than 5 and no more than 10 years after the
	preliminary plan is approved, as determined by the Board
	at the time of approval, for any plan approved on or after
	August 1, 2007. If an applicant requests a validity period
	that is longer than 5 years, the applicant must submit a
	development schedule or phasing plan for completion of
	the project to the Board for its approval. At a minimum,
	the proposed development schedule or phasing plan must
	show the minimum percentage of the project that the
	applicant expects to complete in the first 5 years after the
	preliminary plan is approved. To allow a validity period
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longer than 5 years, the Board must find that the extended validity period would promote the public interest. The Board may condition a validity period longer than 5 years on adherence to the proposed development schedule or phasing plan, and may impose other transportation improvement or mitigation conditions if those conditions are needed to assure adequate levels of transportation service during the validity period.

* * *

- (7) Submittal and [review] <u>approval</u> requirements for [extensions] <u>each extension</u> of <u>an</u> adequate public facilities [determinations] determination.
 - (A) [A] The applicant must submit a new development schedule or phasing plan for completion of the project [must be submitted] to the [Planning] Board for approval;
 - (B) [no] the applicant must not propose any additional development beyond the amount approved in the <u>original</u> determination of adequate public facilities [for the preliminary plan of subdivision may be proposed or approved];
 - (C) [no] the Board must not require any additional public improvements or other conditions beyond those required for the original preliminary plan [may be required by the Planning Board]; [and]
 - (D) <u>the applicant must file</u> an application for an extension [must be filed] with the [Planning] Board before the

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68		original validity period [for which the extension is	
69		requested] has expired; and	
70	<u>(E)</u>	the Board may require the applicant to submit a traffic	
71		study to help the Board decide if the extension would	
72		promote the public interest.	
73		* * *	
74	Approved:		
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	Isiah Leggett, County Executive Date		
77	This is a correct copy of Council action.		
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	Linda M. Lauer, Clerk of the Council Date		